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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,860	01/18/2001	Jeff J. Farago	47181-00232	1166

7590 10/13/2004

INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER	
LUU, SY D	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/765,860	FARAGO ET AL.	
	Examiner	Art Unit	
	Sy D Luu	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/9/04 and 1/26/04*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This communication is responsive to the phone interview on 9/9/04, and Amendment A, filed 1/26/04. During the interview on 9/9/04, the Examiner agreed with Applicant's representative on the grounds that the use of a fresnel lens was not addressed in the Examiner's previous actions. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shpater (US 6,215,399).

2. Claims 1-18 are pending in this application. Claims 1, 9, and 14 are independent claims. In the Amendment A, claims 17-20 were added, and claims 1-9, 11-12, 14 and 16-17 were amended. This action is made Final.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 1-4, 6, 9-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1) and Saphir et al. ("Saphir", US 4,433,328).

As per claim 1, Alexander teaches a method of remotely monitoring electrical power in an electrical circuit comprising:

coupling a power meter to an electrical circuit for sensing power-related signals in said electrical circuit and generating power-related information based on said power related signals, and connecting a remote metering display to said power meter (fig 1; col. 15, lines 45 et seq.); said remote metering display including:

a display screen (fig. 1B; *display screen of element 142*), means for accessing said power-related information by navigating through menu options depicted on the display screen (*abstract and figures 6A-6B*).

Alexander does not explicitly disclose the navigating means to be a plurality of user interface buttons. However, Alexander's method provides scrolling operations for navigating through menu options (*abstract*). Official Notice is taken that the use of user interface buttons, such as keyboard navigating buttons or scroll bar buttons, to perform scrolling functions is well known in the art. It would have been obvious to an artisan at the time of the invention to include such buttons for use in conjunction with the scrolling functions of Alexander in order to facilitate user's menu navigation.

Alexander further does not teach a motion sensor for powering on the display screen in response to detection of a person's presence within a predetermined distance of the remote metering display. Lignoul teaches a proximity sensor for a user's presence in order to activate and deactivate a screen saver program on a display device (*abstract*; col. 3, lines 12 et seq.). It would have been obvious to an artisan at the time of the invention to combine Lignoul's teaching with Alexander's method in order to prolong the life of the display device as well as saving energy.

The method of Alexander and Lignoul does not teach the step of powering on the display device but rather activating. Saphir teaches a human motion sensing controller which powers on a device when it senses a person's presence within a zone of interest (abstract; col. 6, lines 49-68). It would have been obvious to an artisan at the time of the invention to combine Saphir's

teaching with the method of Alexander and Lignoul in order to reduce unnecessary power consumption as well as prolong the monitor's life.

As per claim 2, the method of Alexander, Lignoul and Saphir does not expressly indicate the display screen to be a vacuum florescent display screen. However, Official Notice is taken that the use of such a type of screen is well known in the art. It would have been obvious to an artisan at the time of the invention to use such a type of display screen with Alexander's system depending on implementation preference without compromising functionality.

As per claim 3, Lignoul teaches the display screen to be deactivated in response to no motion being detected by the motion sensor and none of the user interface buttons being pressed for a predefined period of idle time (col. 3, lines 12 et seq.) as well as the display screen to be powered off in Saphir (col. 7, lines 5-14).

As per claim 4, the method of Alexander, Lignoul and Saphir does not expressly teaches the predefined period of idle time to be definable in one of the menu options using the user interface buttons. However, Official Notice is taken that such a step of defining the predefined period of idle time through menu options, e.g. screen saver setting in Windows, is well known in the art. It would have been obvious to an artisan at the time of the invention to include such a setting feature with the method of Alexander, Lignoul and Saphir in order to provide a user with a quick and easy means for defining the predefined period of idle time.

As per claim 6, Lignoul teaches the motion sensor senses infrared waves to be projected from a person's body (col. 5, lines 8-16).

Claims 9-12 are similar in scope to claims 1-4 respectively, and are therefore rejected under similar rationale.

Claims 14-17 are similar in scope to claims 1-4 respectively, and are therefore rejected under similar rationale.

5. Claims 5, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1) and Saphir et al. ("Saphir", US 4,433,328) and further in view of Given et al. (US 6,560,711 B1)

As per claims 5 and 7-8, while Lignoul teaches an infrared sensor (col. 18, lines 60 et seq.), the method of Alexander, Lignoul and Saphir does not expressly teach the motion sensor to include a plurality of selectable sensitivity levels for varying the predetermined distance, These features are what Given teaches in a method which utilizes a motion sensor that senses a user's presence in the vicinity (abstract; col. 7, lines 19 et seq.). It would have been obvious to an artisan at the time of the invention to include Given's features with the method of Alexander, Lignoul and Saphir in order to provide more flexibility to the functionality of the sensor of Alexander, Lignoul and Saphir.

Claims 13 and 18 are individually similar in scope to claim 5, and are therefore rejected under similar rationale.

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. ("Alexander", US 6,038,516) in view of Lignoul (US 6,374,145 B1) and Saphir et al. ("Saphir", US 4,433,328) and further in view of Shpater (US 6,215,399 B1)

As per claims 7-8, Lignoul teaches the motion sensor to include a pyroelectric detector for sensing infrared waves projected from a person's body, wherein the pyroelectric detector generates an analog output signal infrared sensor (col. 18, lines 60 et seq.). Saphir also discloses the use of a lens for focalizing the infrared waves to a window area of the pyroelectric detector

(col. 1, lines 44-53). The method of Alexander, Lignoul and Saphir does not expressly teach the lens to be a fresnel lens, and wherein the motion sensor further includes an analog-to-digital converter for receiving and digitizing the analog output signal. However, the use of fresnel lens as a focusing means for motion sensors is well known in the art. For instance, Shpater teaches a method using passive infrared motion detector, wherein infrared fresnel lens are employed (abstract; col. 2, lines 11-45). It would have been obvious to an artisan at the time of the invention to combine Shpater's method with the method of Alexander, Lignoul and Saphir in order to make use of a widely known type of lens which would be cost effective as well as well proven. While the method of Alexander, Lignoul, Saphir and Shpater does not specifically disclose an analog-to-digital converter for receiving and digitizing the analog output signal, however such a component would have been obvious to an artisan to be inclusive with Given's method so that the output signal could be digitized as required.

Response to Arguments

7. Applicant's arguments with respect to claims 1-18 have been considered but are either moot in view of new ground(s) of rejection or not persuasive.

8. Applicant argues the followings: (a) Alexander does not disclose a "motion sensor"; (b) there is no motivation in Alexander to include the user interface buttons as required by Applicants' amended claims; (c) Lignoul does not teach the step of detecting a person's presence within a "predetermined distance" of the display, but rather only detects a user "in the vicinity" of the display; (d) the use of a VFD screen would not have been an obvious choice to an artisan

with Alexander's teaching; and (e) Given does not teach the requirement of capturing voltage sense levels received from the motion sensor of Given.

9. Per (a), the Examiner acknowledges an oversight in citing Alexander instead of Lignoul regarding to Applicant's argument associated with claim 6.The Examiner disagrees for the following reasons.

10. Per (b)-(e), the Examiner disagrees for the following reasons.

Per (b), the claim language of claim 1 requires "a plurality of user interface buttons for navigating through menu options". Alexander teaches scrolling operations for navigating through menu options (Abstract, lines 8-11), as well as the use of a keyboard 144 in fig. 1b. It would have clearly obvious that keys such as Up/Down Arrows could be used to help users move/scroll from one menu option to another. Such operations would clearly read into the claim limitation as recited.

Per (c), while Lignoul's teaching does not explicitly disclose the detecting to take place within a "predetermined distance", Lignoul's proximity sensor detects the presence of an user "in the vicinity". It is noted that any sensor that is designed to detect movement within a certain proximity must necessarily be adjusted for a certain (predetermined) distance for detection either at the manufacturing plant or by the user in order to monitor a specific sphere of coverage.

Per (d), as pointed out in the previous Office Action, the use of VFD is well known in the art, and it would have been obvious to an artisan at the time of the invention to use such a type of display screen with Alexander's system depending on implementation preference without compromising functionality. An example of a typical display device for presenting menus or other display contents to users, where any type of display technology, including VFD, could be

employed depending on implementation preference (Long, US 6,695,166 B2; col. 3, lines 50 et seq.).

Per (e), it is requested for Applicant's attention to be directed to col. 7, lines 47-50 of Givens, where the sensitivity level could be adjusted.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is **(703) 305-0409**. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

SY D. LUU
PRIMARY EXAMINER